




Phil Flax/R2/USEPA/US

01/07/2009 02:55 PM

To "Frank Faranca" <Frank.Faranca@dep.state.nj.us>

cc Amy Chester/R2/USEPA/US@EPA, Barry
Tornick/R2/USEPA/US@EPA, Meghan
LaReau/R2/USEPA/US@EPA, Sin-Kie Tjho/R2/USEPA/US@EPA

bcc

Subject Re: Fwd: private Well Sampling Next Steps -
ENFORCEMENT CONFIDENTIAL 

Frank,

I can safely say that you should continue with your actions vis-a-vis Dupont up until the time that we do issue the Order, in whatever form it will take. Our expectation is to issue an Order on Consent to Dupont which will take some time to negotiate once we develop the first draft. I assume that you and other NJDEP personnel already involved in this will have a continuing role in the development, negotiation and implementation of this action, which will recognize/incorporate all activities that you have Dupont perform up to the point when we are ready to sign the Order with Dupont. If they appear unwilling to sign a comprehensive Consent Order, a high level decision would have to be made internally within EPA whether to issue the Order unilaterally, which, I believe, in the case of PFOA, would be more involved. In any case, at this point, we will continue to work with you on your voluntary program with Dupont as we array our internal ducklings.

Philip D. Flax, CHMM
Team Leader
RCRA Senior Enforcement Team
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor, 2DECA-RCB-SET
New York, N.Y. 10007-1866
(212)637-1469
flax.phil@epamail.epa.gov
"Frank Faranca" <Frank.Faranca@dep.state.nj.us>



"Frank Faranca"
<Frank.Faranca@dep.state.nj.us>

01/07/2009 12:41 PM

To Amy Chester/R2/USEPA/US@EPA, Phil
Flax/R2/USEPA/US@EPA, Meghan LaReau/R2/USEPA/US@EPA,
Sin-Kie Tjho/R2/USEPA/US@EPA, Barry
Tornick/R2/USEPA/US@EPA

cc

Subject Fwd: private Well Sampling Next Steps

Hi Phil,

I asked DuPont if anything has changed in light of the Federal Judge's decision to deny the class-action status for Salem County residents suing DuPont Co. over chemical emissions from the Chambers Works plant. Attached below is his response. I do not know if the plaintiffs will appeal the decision.

Please let me know approximately how long will it take for EPA to issue an order. I would assume that we can retain the lead until the Order is issued, or we can transfer the lead over to EPA. This is important

because we need to determine who will be sending the official comments back to DuPont with regard to their work plan. Please advise. Thank you.

Frank

>>> Andrew S Hartten <Andrew.S.Hartten@usa.dupont.com> 1/7/2009 9:19 AM
>>>

Frank,

Yesterday afternoon, I conferred with our legal team concerning your question (below). They have re-affirmed that the judge's decision has **not changed** any of our allowable interaction with plaintiffs or class members as there is still ongoing legal activity in the case (appeals and motions, etc.).

Based on this, the letter that will be distributed to private drinking waters users must be authored by NJDEP.

As of right now, we are continuing to work on the following:

- Complete assessment of tax maps (lot and block) within 2-mile radius to determine full potential list and addresses of private wells (should be done by Jan. 16-by outside legal)
- Finalize DuPont call center script for operators (as of today, training is tentatively scheduled for Jan. 12/13), but this must be done within 7 days of start so date could change

As of right now, we are expecting the following from NJDEP:

- Final draft of resident letter for our review
- Decision on whether NJDEP or DuPont will mail letter (the one authored by NJDEP)
- Agreement on or concurrence with work plan

Please let me know when we may see your final letter so that we can give it a quick review. It is obviously critical to program start-up that the letter be finalized. We have no strong feeling either way concerning who mails the letter, however we would like to see each letter number coded (to a specific name/address) so that chain of custody and good record keeping be maintained right from the start.

Please contact me if you have any questions.

Best regards,

Andrew

Andrew S. Hartten
Project Director
DuPont Corporate Remediation Group
302-992-6820

"Frank Faranca"

<Frank.Faranca@dep.state.nj.us>

01/05/2009 01:54 PM

To Andrew S Hartten/AE/DuPont@DuPont
cc "David Doyle" <David.Doyle@dep.state.nj.us>, "Mindy Mumford"
<Mindy.Mumford@dep.state.nj.us>, Albert J
Boettler/AE/DuPont@DuPont
Subject Class Action Decision on PFOA

Hi Andrew,

I left you a voice mail message. Please let me know if anything in the work plan may have changed as a result of the federal judge's decision to deny the class-action status for Salem County residents suing DuPont Co. over chemical emissions from the Chambers Works plant. (i.e. will DuPont now be able to do more of the outreach work such as the 1st and 2nd notification letters and also canvass the neighborhood?).

Please advise. Thanks

Frank

Frank Faranca, CHMM
Site Remediation Technical Specialist
NJDEP/ Bureau of Case Management
401 East State Street
P.O. Box 028
Trenton, NJ 08625-0028
Phone: 609-984-4071
Fax: 609-633-1439
e-mail: Frank.Faranca@dep.state.nj.us

Please Note: New Jersey has a very broad public records law. Most written

communications to or from state officials regarding state business are public

records available to the public and media upon request. Your e-mail is communications and may therefore be subject to public disclosure.

This communication is for use by the intended recipient and contains information that may be Privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this e-mail, in whole or in part, is strictly prohibited. Please notify the sender by return e-mail and delete this e-mail from your system. Unless explicitly and conspicuously designated as "E-Contract Intended", this e-mail does not constitute a contract offer, a contract amendment, or an acceptance of a contract offer. This e-mail does not constitute a consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.